UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

2311 RACING LLC d/b/a 23XI RACING, and FRONT ROW MOTORSPORTS, INC.,

Plaintiffs,

v.

NATIONAL ASSOCIATION FOR STOCK CAR AUTO RACING, LLC, NASCAR HOLDINGS, LLC, NASCAR EVENT MANAGEMENT, LLC, and JAMES FRANCE,

Defendants.

No. 3:24-cv-886-KDB-SCR

NASCAR EVENT MANAGEMENT, LLC,

Counter-Plaintiff,

v.

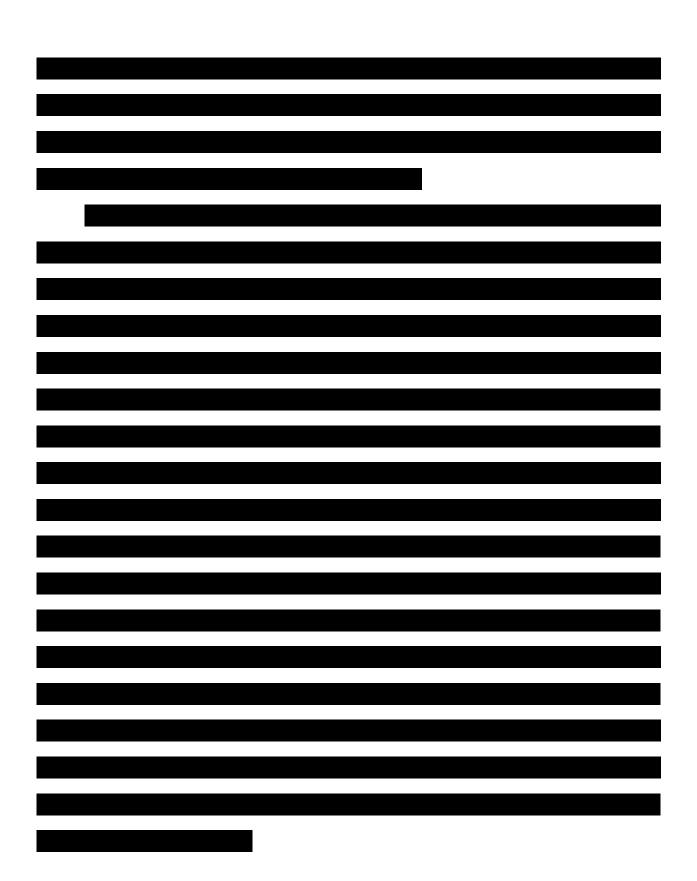
2311 RACING LLC d/b/a 23XI RACING, FRONT ROW MOTORSPORTS, INC., and CURTIS POLK,

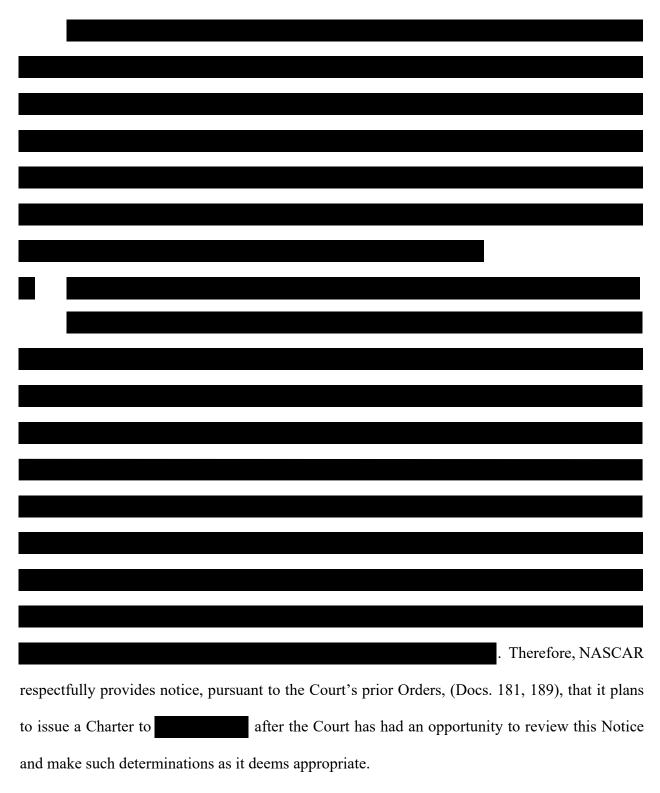
Counter-Defendants.

<u>DEFENDANTS' NOTICE OF</u> <u>INTENT TO ISSUE A CHARTER</u>

Pursuant to the Court's Orders dated July 17, 2025 (Doc. 181) and July 22, 2025
(Doc. 189), NASCAR provides notice to the Court that it had discussions with
. Notwithstanding this updated
information, NASCAR commits that it will maintain its representations to not sell, transfer or
otherwise convey this Charter until the Court issues its order on the motion for preliminary
injunction currently pending before the Court.
BACKGROUND
I. TO GROW AND ENHANCE THE 2026 NASCAR CUP SEASON, NASCAR INTENDS TO CONVEY A CHARTER TO
Under the Fourth Circuit's mandate, there are currently 30 active Charters, two inactive
Charters, and four non-issued Charters. have expressed interest in obtaining a Cup
Series Charter to NASCAR executives multiple times over the past several years. Decl. of Steve
Phelps at ¶ 4 (Aug. 25, 2025) (hereinafter "S. Phelps Decl."). While discussions have occurred
over time,

NASCAR previously agreed that NASCAR would not "sell any Charters before the Court can rule on Plaintiffs' motion for preliminary injunction." Doc. 181 at 4. The Court ordered that NASCAR "immediately inform the Court prior to undertaking any transaction with respect to Charters." *Id.* at 4 n.3. The Court later ordered that NASCAR "promptly inform Plaintiffs and the Court" of updates regarding NASCAR's representation that NASCAR "will not effectuate any sale or transfer or otherwise convey in any manner the six 2025 Charters offered to the Plaintiffs or purchased until the Court rules on the Motion for Preliminary Injunction." Doc. 189 at 2. In the interest of full transparency, NASCAR makes this filing in order to provide notice of its intent to convey a Charter for the 2026 Cup Series season. For avoidance of doubt, this Notice of Intent does not relate to the Charters that were previously issued to Stewart-Haas Racing and subsequently assigned pursuant to the District Court's Order to Front Row and 23XI Racing teams.





CONCLUSION

NASCAR respects the Court's directive that notice must be provided prior to any conveyance or sale and reiterates that it will not do so until such time as the Court promptly rules on Plaintiffs' pending motion for preliminary injunction. NASCAR requests that the Court and

parties not refer to by name at the hearing.

Dated: August 25, 2025 Respectfully submitted,

> By: <u>/s/ Christopher S. Yates</u>

> > Christopher S. Yates*

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ARTIFICIAL INTELLIGENCE (AI) CERTIFICATION

I hereby certify the following:

1. No artificial intelligence was employed in doing the research for the preparation of

this document;

Every statement contained in this document has been checked by an attorney in this

case and/or a paralegal working at his/her direction as to the accuracy of the proposition for which

it is offered, and the citation to authority provided.

This the 25th day of August, 2025.

/s/ Christopher S. Yates

Christopher S. Yates

Of Latham & Watkins LLP

CERTIFICATE OF SERVICE

I hereby certify that the foregoing DEFENDANTS' NOTICE OF INTENT TO ISSUE A **CHARTER** was electronically filed using the Court's CM/ECF system, which will automatically send notice of filing to all parties of record as follows:

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This the 25th day of August, 2025.

/s/ Christopher S. Yates Christopher S. Yates Of Latham & Watkins LLP